

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**BUILDING 2 HOLDING CO. LLC and ON GRID
INFRASTRUCTURE SERVICES, LLC,**

Plaintiffs,

vs.

**1:22-CV-360
(MAD/CFH)**

WILLIAM R. DICKERSON, III,

Defendant.

APPEARANCES:

THE WAGONER FIRM PLLC
150 State Street, Suite 504
Albany, New York 12207
Attorneys for Plaintiffs

OF COUNSEL:

MATTHEW D. WAGONER, ESQ.

Mae A. D'Agostino, U.S. District Judge:

ORDER TO SHOW CAUSE

Plaintiffs Building 2 Holding Co. LLC ("B2HC") and On Grid Infrastructure Services, LLC ("On Grid") commenced this action on April 18, 2022, asserting causes of action for (1) breach of contract, (2) breach of the implied covenant of good faith and fair dealing, (3) breach of the fiduciary duties of loyalty, care, and candor, (4) tortious interference with contractual relations, (5) tortious interference with prospective business relations, (6) unjust enrichment, and (7) and equitable relief in the form of a permanent injunction. *See* Dkt. No. 1. On April 20, 2022, Plaintiffs filed a motion for a temporary restraining order and preliminary injunction, along with a motion for expedited discovery. *See* Dkt. Nos. 5 & 6.¹

¹ In their motion for a temporary injunction and preliminary injunction, Plaintiffs do not state whether they are seeking this relief *ex parte* and without notice to Defendant. Upon review of the application, the Court finds that granting the request for a temporary injunction in this matter *ex parte* would be inappropriate. However, in light of the allegations made, the Court will (continued...)

The Court has considered Plaintiffs' complaint, the motions for injunctive relief and expedited discovery and the exhibits attached thereto. On the basis of these papers, Plaintiffs have sufficiently shown good and sufficient cause why the standard Notice of Motion procedure cannot be used and that the Court should dispense with the Notice of Motion requirement of Local Rule 7.1(b).

Based on the foregoing, the Court hereby

ORDERS that Defendant or his attorney show cause, if there be any, to this Court by submission on papers as ordered herein, before the Honorable Mae A. D'Agostino, United States District Court Judge at the United States Courthouse, 445 Broadway, Albany, New York, why an Order should not be issued granting a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure in this matter enjoining Defendant as requested in the pending motion. Defendant shall further show cause, if there be any, to this Court why an Order should not be issued granting Plaintiff's motion for expedited discovery. Defendant shall file all opposing papers herein by **5:00 p.m., on Monday, May 2, 2022**, and Plaintiff shall file all reply papers by **5:00 p.m., on Thursday, May 5, 2022**; and the Court further

ORDERS that Plaintiff shall personally serve a copy of this Order to Show Cause and all papers upon which it is based, including the complaint and pending motions, including all attached exhibits, on Defendant by **Monday, April 25, 2022**, and file proof of service with the Court, which shall be deemed good and sufficient service.

IT IS SO ORDERED.

Dated: April 21, 2022
Albany, New York



Mae A. D'Agostino
U.S. District Judge

¹(...continued)
expedite the briefing schedule for the pending motions.